

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Casey E. Hall-Landers,

Plaintiff,

-against-

New York University,

Defendant.

20-cv-03250 (GBD) (SLC)

ORDER

George B. Daniels, United States District Judge:

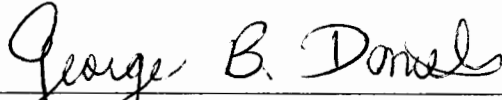
On February 10, 2025, Plaintiff filed their Response to Defendant's Objections to Magistrate Judge Cave's Report and Recommendation at ECF No. 198. As part of this Response, they filed Exhibit 1 to the Declaration of Sarah N. Westcot under seal. (Exhibit 1 – NYU Spreadsheet ("Exhibit 1"), ECF No. 198-2.) Defendant objected to this submission on the grounds that this exhibit was never submitted to Judge Cave. (Feb. 13, 2025 Letter, ECF No. 201.)

As Defendants point out, courts consider new evidence raised in objections to a Report and Recommendation only in "rare cases, where the party objecting to a Report has offered a most compelling reason for the late production of such evidence or a compelling justification for its failure to present such evidence to the magistrate judge." *Fischer v. Forrest*, 286 F. Supp. 3d 590, 603 (S.D.N.Y. 2018), *aff'd*, 968 F.3d 216 (2d Cir. 2020) (citation omitted). Plaintiff has provided no such justification here.

Thus, this Court will not consider Exhibit 1 in its decision regarding whether this Court should adopt Judge Cave's Report and Recommendation to deny the Plaintiff's Motion for Class Certification.

SO ORDERED.

Dated: **FEB 26 2025**
New York, New York



George B. Daniels
United States District Judge